

SELF SERVICE CENTER

INSTRUCTIONS: HOW TO ANSWER A COMPLAINT ABOUT PATERNITY, CUSTODY, CHILD SUPPORT and PARENTING TIME (formerly known as "VISITATION")

USE THIS FORM: Use this form if you want to answer or respond to a complaint of paternity, and custody, Parenting time, and child support.

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE: Domestic violence can include physical violence directed against you or your children such as hitting, slapping, pushing, or kicking. Domestic violence can also include threats of physical violence made against you and your children, or regular verbal abuse used to control you. Your spouse does NOT need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a domestic violence victim.

All court documents will request your address and phone number. If you are a victim of domestic violence and are in a domestic violence shelter, or if you do not want your address known to protect yourself or your children from further violence, **you must file for an Order of Protection and ask that your address not be disclosed on court papers. With that Order, you do not need to put your address and phone number on your court papers.** Write "protected" where asked for this information and update the Clerk of the Court with an address and phone number as soon as possible so that the Court can reach you.

INSTRUCTIONS: Follow these instructions in filling out your Answer/Response.

- A. Make sure your form states ANSWER TO COMPLAINT FOR PATERNITY, CHILD CUSTODY, PARENTING TIME AND CHILD SUPPORT in the upper right-hand part of the page.
- B. Make sure you use a black pen, typewriter or computer to fill you these forms.
- C. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security. Check the box to say whether you represent yourself, or if you are an attorney, write in the name of your client and your state bar number.
- D. Fill in the name of "Plaintiff" and "Defendant" exactly the same way as it looks on the Complaint. Do that for every document you ever file with the court from now on in this case.
- E. Use the DR, FC or FN case number that is stamped in the upper right-hand corner of the Complaint. Do that for every document you ever file with the court from now on in this case.

GENERAL INFORMATION:

- 1. **INFORMATION ABOUT THE OTHER PARTY, THE PLAINTIFF.** Fill in the plaintiff's name, address (if not protected), date of birth, social security number, job title, and relationship to the child(ren). This is basic information about the Plaintiff.
- 2. **INFORMATION ABOUT ME, THE DEFENDANT.** Fill in your name, address (if not protected), date of birth, social security number, job title, and relationship to the child(ren). This is basic information.

3. **INFORMATION ABOUT THE CHILD(REN).** This paragraph references the Affidavit of Minor Children. You must fill out this form, a copy of which is in your packet if the information is different than what the other person says. The Affidavit of Minor Children asks for information about all the children for whom you want this paternity order, with custody, Parenting Time, and child support. The same persons should be the mother and the father for all the children involved in this court case. If you think the children have different fathers or mothers, you need to say so and then file a motion for an order that this case has nothing to do with those children, asking that those children's names be deleted from the lawsuit, or asking that those fathers or mothers are joined as parties to this lawsuit. See a lawyer to help you with this. The Plaintiff will have to file a separate lawsuit against those fathers or mothers.

STATEMENTS ABOUT PATERNITY:

4. **WHY YOU THINK YOU OR THE OTHER PERSON IS NOT THE FATHER OF THE CHILDREN.**

Mark whichever box describes your reason.

AFFIDAVIT: Mark this box if both you and the other party did not sign an Affidavit or Acknowledgment of Paternity stating that the Plaintiff or Defendant is the father of the child(ren).

BIRTH CERTIFICATE: Mark this box and print the father's name here if a different father is named on each child's birth certificate and if the certificate has been signed by both the mother and father. Attach a copy of the birth certificate(s) to the complaint.

BLOOD TEST: Mark this box if paternity has not been established through a DNA blood test of the mother, father and child(ren).

PARTIES NOT LIVING TOGETHER: Mark this box if the Plaintiff and Defendant were not married to each other during the 10 months before the birth of the children or did not live together during the period(s) when the child(ren) could have been conceived.

NO SEXUAL INTERCOURSE: Mark this box if the parties were not living together and did not have sexual intercourse at the date of conception.

SEXUAL INTERCOURSE: Mark this box if you believe the mother of the children had sexual intercourse with someone else during the period in which the child(ren) could have been conceived.

OTHER: Mark this box if there is some reason that you believe paternity is wrong.

5. **ABOUT MARRIAGE AND HUSBAND.** Tell the court about whether the mother was married at the time the child(ren) were born or conceived, or within 10 months before conception or birth. If she was, the Plaintiff must add the HUSBAND to the court case, even if he or she says that the husband was not the father of the child(ren).
6. **SUMMARY OF WHAT I SAY ABOUT THE CHILDREN THAT IS DIFFERENT FROM WHAT THE PLAINTIFF ASKED FOR IN THE COMPLAINT.** Tell the court what is different between what you say about the children of this case and what the other party said in the complaint.

OTHER STATEMENTS TO THE COURT:

7. **MEDICAL EXPENSES:** Mark this box if there were expenses for the birth of the child(ren), and who you think should pay.
8. **OTHER EXPENSES:** This tells the Court that the parties should pay for bills not covered by insurance in an amount equal to their respective incomes.

9. **DOMESTIC VIOLENCE:** This tells the Court if there was significant domestic violence in the relationship, and relates to a request for joint custody, if you intend to ask for joint custody. Mark the box corresponding to your situation.
10. **VENUE:** Generally, if either one of the parents or the children are residents of Maricopa County, the case can be taken care of here, even if everyone is not a resident of this State. Furthermore the defendant must also be legally brought into the lawsuit in Arizona. See the following comments for help on deciding this.
- A. **Important notice about when a party can bring a child custody case in the Superior Court in Arizona:** Generally a party must have resided in Arizona with the child for at least 6 months, or Arizona must be the child's primary place of residence before filing a child custody complaint. If you have questions regarding this requirement, see a lawyer before filing.
- B. **Important notice about when you can be sued as a Defendant/Respondent in Arizona for paternity or child support:** A Defendant/Respondent can be sued in Arizona in a case about establishing, enforcing, or changing a support order, or establishing paternity, if ONE of the following is true about the Defendant/Respondent:
- The person is a resident of Arizona¹
 - The person agrees to have the case heard here and files written papers in the court case; or the person was personally served in Arizona (see packet on service to know about this)
 - The person lived with the child in this state at some time;
 - The person lived in this state and provided pre-birth expenses or support for the child
 - The child lives in this state as a result of the acts or directions of the person;
 - The person had sexual intercourse in this state as a result of which the child may have been conceived;
 - The person signed a birth certificate or affidavit of acknowledgment that is filed in this state;
 - The person did any other acts that substantially connect the person with this state (see a lawyer to help you determine this.)
- WARNING:** Jurisdiction over the defendant is very serious. If you have any doubts about whether it was proper for the Plaintiff to sue you in Arizona, you should see a lawyer IMMEDIATELY, and BEFORE you file any written response or answer or other court paper.
11. **GENERAL DENIAL:** This tells the Court that, even if you did not answer each and everything said in the Complaint, you deny what you did not address. This is extra protection for you.

REQUESTS MADE TO THE COURT IN THIS LAWSUIT. This section of the Answer/Response formally requests that the Court make Orders relating to issues such as paternity, custody, Parenting Time and support.

1. **PATERNITY:** Mark the box to say whether the man should or should not have a paternity order against him, and put the father's full name on the line provided. Even if you want the Judge to order that there is **NO PATERNITY**, the Judge might find a legal reason to order paternity over your objection. In that case, the Judge will also decide child custody, Parenting Time, support, and other issues. Mark the remaining issues to say how you think those issues should be resolved if either you agree to the paternity issue, or you disagree but the Judge finds paternity anyway.

2. **BIRTH CERTIFICATE:** Mark this box only if you want to have the father's name added to the birth certificate. You should write the father's full name as it would appear on the birth certificates.
3. **CHILD(REN) LAST NAME:** Mark this box only if you want the child(ren)'s last name changed. Say what name you want (mother's or father's)
4. **CUSTODY AND PARENTING TIME OF CHILDREN:**
 - A. **SOLE CUSTODY:** Tell the court whether you want custody of the children to go to you (the Plaintiff); or the opposing party (the Defendant). Then, tell the court about Parenting Time.

PARENTING TIME: Mark one box only. You can ask that the non-custodial parent (the parent having physical custody of the child less than 50% of the time) have one of the following types of Parenting Time:

 1. **Reasonable Parenting Time.** This suggests an amount of Parenting Time appropriate to the age of the child. The court offers suggested amounts of Parenting Time, but the amount can vary by agreement of both parents.
 2. **Supervised Parenting Time to the Non-Custodial Parent.** You may request supervised Parenting Time if the non-custodial parent cannot adequately care for the child(ren) or cannot do so without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for the child(ren) without another adult present. Remember, supervised or no Parenting Time is not intended to punish the parent, but to protect the child(ren). You must write in specifically why you say the Parenting Time should be supervised, the person who should supervise, requested restrictions and who should pay the cost of supervised Parenting Time.
 3. **No Parenting Time to the Non-Custodial Parent.** You must write in why there should be no Parenting Time. You should mark this option only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the child(ren)'s physical and emotional health, or if there is a criminal Court Order stating there is to be no contact between the child(ren) and the non-custodial parent. This is a last resort to protect the child(ren).
 - B. **JOINT CUSTODY.** If you are asking for joint custody, you must file a Parenting Plan, which sets forth the Joint Custody Agreement that is signed by both parents and approved by the Court.
5. **CHILD SUPPORT:** Mark which party should pay child support.
6. **MOTHER'S EXPENSES:** Mark this box indicating if Plaintiff or Defendant should be required to pay expenses relating to the birth of the child(ren).
7. **HEALTH, MEDICAL, DENTAL INSURANCE AND HEALTH CARE EXPENSES:** Mark which party should be responsible for health, medical and dental insurance.
8. **TESTING AND COSTS:** Mark this box to ask who should pay for blood or tissue tests necessary to establish paternity. Generally, if the father opposes the paternity order, and the tests prove the person is the father, the court will order the father to pay all testing costs.
9. **OTHER ORDERS:** Mark this box only if you have made other requests of the Court. If you mark the box, write the specific additional orders you are requesting the Court to make that were not covered elsewhere in your Response/Answer.

OATH AND VERIFICATION: Sign this form in front of a notary. By doing so you are telling the court that everything contained in the Paternity Answer/Response is true. Then mail a copy of your Answer/Response and other documents to the other party and sign your name telling the court you have mailed the documents or you will mail the documents.

NEXT STEP: Then read the document in the instructions packet called **PROCEDURES: HOW TO FILE AN ANSWER/RESPONSE TO A PATERNITY COMPLAINT.**